

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES :
 : 3:16-CR-206
 :
 v. : (JUDGE MANNION)
 :
 MARIO VALENTINE, :
 :
 Defendant :
 :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Valentine's Motion for Compassionate Release because of the COVID-19 pandemic, **(Doc. 126)**, is **DISMISSED WITHOUT PREJUDICE** for failure to comply with the exhaustion requirement under §3582(c)(1)(A)(i) since he filed his motion without first waiting 30 days from the time he submitted his request to the warden of USP Lewisburg.
2. Insofar as Valentine is seeking the court to direct the BOP to find him eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: October 30, 2020

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